

Remarks

Applicant respectfully requests reconsideration of the present case in view of the above amendments and the following remarks. Claims 8-11 have been canceled. Claims 1-7 have been amended. Claims 1-7 are currently pending.

No new matter has been inserted. Support for the amendment of claim 1 can be found in the specification at least at page 7, line 25 through page 8, line 4; page 7, lines 8-17; page 28, lines 1-8, and Figures 2 and 25. Support for the amendment of claim 2 can be found in the specification at least at page 28, lines 1-8, and Figure 25. Support for the amendment of claim 3 can be found in the specification at least at page 4, lines 9-12. Support for the amendment of claim 5 can be found in the specification at least at page 7, line 25 through page 8, line 4; page 7, lines 8-17; page 12, lines 7-11; page 28, lines 1-8, and Figures 2 and 25. Claims 4 and 6-7 were simply amended for clarification.

Drawings

Figure 28 was objected to as the Examiner indicated it should be designated by a legend such as --Prior Art--. Figure 28 has been amended in accordance with the suggestion of the Examiner. Applicant respectfully requested that this objection be withdrawn.

Specification

The Examiner objected to the disclosure because the terms "rear wheel 61" should read --rear wheel 63--. The specification has been amended to correct these informalities. Applicant respectfully requests that this objection be withdrawn.

Claim Objections

The Examiner objected to claims 4, 7, and 9 as lacking proper antecedent basis. Appropriate corrections have been made. Applicant respectfully requests that this objection be withdrawn.

35 U.S.C. § 112

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, claims 1, 3-5 and 7-11 were objected to because the word "type" was considered indefinite. Applicants respectfully traverse this rejection.

While not conceding the correctness of the Examiner's rejection, in the interest of advancing prosecution, Applicant has amended the claims to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 102

Claims 1-11 were rejected under 35 U.S.C. § 102(b) as anticipated by Nomura '719. Applicants respectfully traverse this rejection.

The Examiner asserts that Nomura "shows a rear cushion installation structure of a low floor type vehicle having an engine mounted below a low floor (figure 1)" and further "a housing box 18 attached horizontally along the rear of the upper frame".

First, Applicant points out that Nomura is not a low-floor vehicle. Nomura does not have "a body cover for covering a vehicle body" that "comprises a low floor which has a step floor for putting feet of a rider thereon" as included in claims 1 and 5.

Second, Applicant points out that numeral 18 of Nomura is not a housing box, but a seat supporting frame. See col. 2, lines 36-42. The seat support frame of Nomura "may be constructed so that it can accommodate an oil tank 104, a tool box 106, a fuse box 108, an igniter unit 110, a glove box 112". See col. 4, lines 53-56. However, the seat support frame of Nomura does not have a "bottom surface" with a "housing space above the bottom surface" as required by claim 1. Rather, the seat support frame 18 is connected with a seat 16 and a rear fender 20 into a continuous structure that can be tilted into a raised position. See col. 2, lines 36-42. The accommodation of the oil tank, tool box, etc., is below the seat support frame 18. See Fig. 5

Third, as clearly apparent from Figure 1 of Nomura, Nomura does not teach or suggest "a cylinder portion of the engine being positioned between the upper frames" as required by claim 5.

Accordingly, Nomura does not disclose or suggest every element of claim 1 or claim 5. Therefore, Nomura does not anticipate claim 1 or claim 5. As claims 2-4 are dependent on claim 1, and as claims 6-7 are dependent on claim 5, they are also not anticipated.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612)332.5300

Dated: Dec. 20, 2004

By: Curtis B. Hamre

Curtis B. Hamre
Reg. No. 29,165

CBH:MED:kf



Amendments to the Drawings:

The sheet of drawings attached in the Appendix includes changes to Fig. 28. This sheet replaces the original sheet. The drawings have been changed as follows:

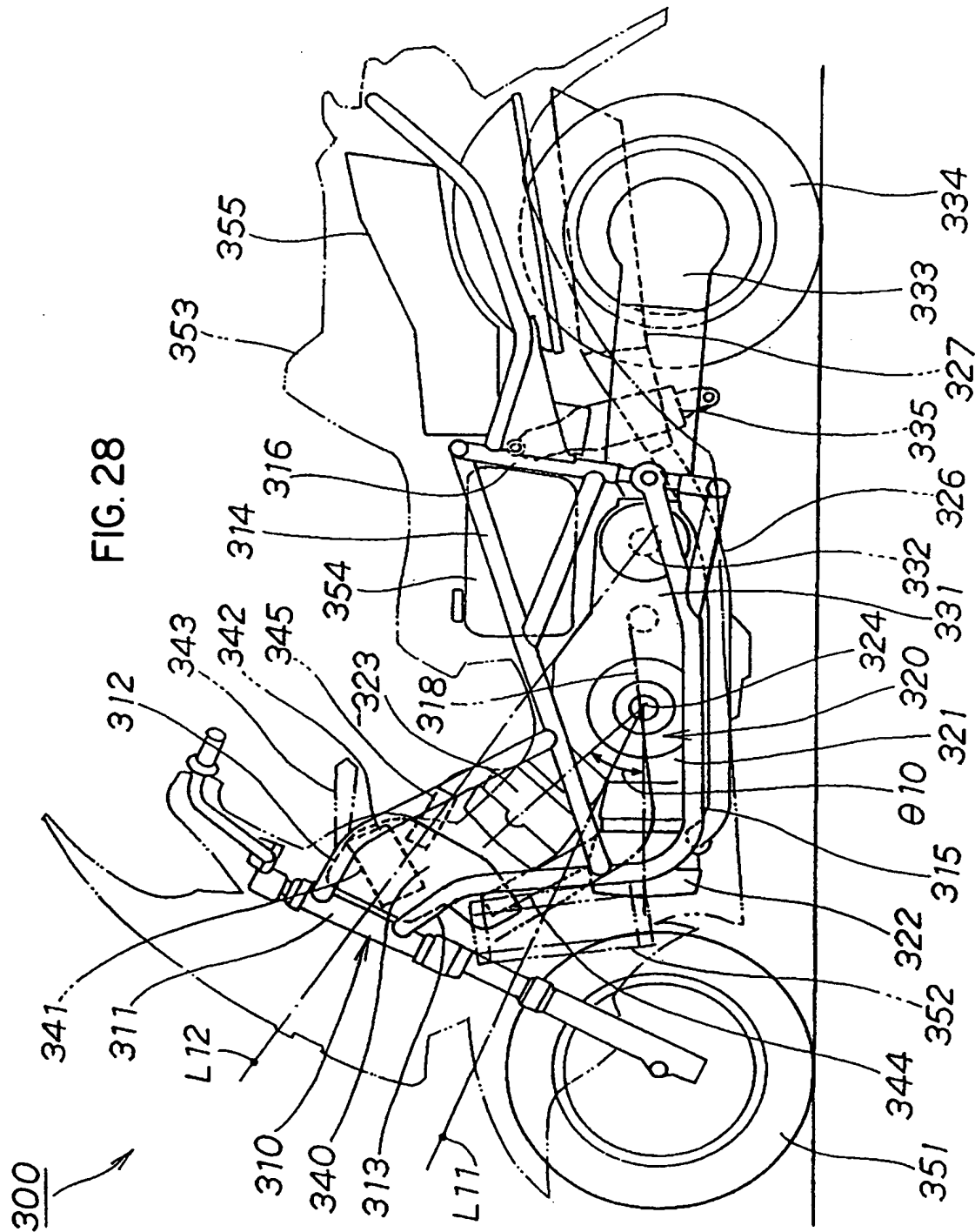
Figure 28 has been corrected to indicate that it illustrates prior art.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes



Serial No.: 10/666099
Docket No.: 14470.12US01
Reply to Office Action of October 19, 2004
Sheet 1 of 1
Annotated Sheet Showing Changes



(Prior Art)